

# Issue Brief – Follow-up on Prior Year Intent Language

DEPARTMENT OF HUMAN SERVICES

DHS-09-02

## FOLLOW-UP ON PRIOR YEAR INTENT LANGUAGE

Intent language may be adopted by the Legislature to explain or place conditions on the use of funds. Intent language is binding for one year and may not contradict or change statutory language.

### OBJECTIVE

The objective of this issue brief is to determine if the agency complied with the intent language adopted by the Legislature during the 2007 General Session, adopt the analyst's recommendations.

### DISCUSSION AND ANALYSIS

The following is a list of legislative intent from the 2007 General Session with the agency's response and the analyst's recommendation.

#### The following is supplemental intent language for FY 2007:

##### **1. S.B. 1, Item 69 Non-lapsing Authority for the Foster Care Citizen Review Board:**

*Under Section 63-38-8.1 of the Utah Code the Legislature intends that up to \$10,000 provided for the Department of Human Services, Executive Director Operations for the Foster Care Citizens Review Board in Chapter 1, the Laws of Utah 2006, Item 97 not lapse at the close of FY 2007. It is further the intent of the Legislature that these funds are to be used for one-time development, maintenance, and upgrading of computer software and equipment, and for recruitment, training and retention of volunteers.*

**Agency Response:** The FCCRB will use the non-lapsing funds for one-time computer and/or volunteer expenditures.

**Analyst's Recommendation:** It is the recommendation of the Analyst that this intent language not be included for FY 2008 because agencies should budget for computer upgrades within their existing budgets.

##### **2. S.B. 1, Item 70 Non-lapsing Authority for Counseling Services for Families of Veterans:**

*Under Section 63-38-8.1 of the Utah Code the Legislature intends that up to \$70,000 provided in this item in the Department of Human Services, the Division of Substance Abuse and Mental Health for Counseling Services for Families of Veterans not lapse at the close of FY 2007.*

**Agency Response:** This funding will be used to provide awareness and counseling to approximately 140 couples. (At least one member of the couple is a veteran.)

**Analyst's Recommendation:** It is the recommendation of the Analyst that this intent language continue for FY 2008.

##### **3. Non-lapsing Authority for the Division of Substance Abuse and Mental Health:**

*Under Section 63-38-8.1 of the Utah Code the Legislature intends that up to \$50,000 provided for the Department of Human Services, the Division of Substance Abuse and Mental Health in Chapter 1, Laws of Utah 2006, Item 99 not lapse at the close of FY 2007 for the purchase of equipment including computers, software, supplies or improvements.*

**Agency Response:** The Division will use this non-lapsing funding for equipment, including computers, software, supplies or improvements, as indicated.

**Analyst's Recommendation:** It is the recommendation of the Analyst that this intent language not be continued for FY 2008 because agencies should budget for computer upgrades within their existing budgets.

**4. S.B. 1, Item 74 Non-lapsing Authority for Aging and Adult Services:**

*Under Section 63-38-8.1 of the Utah Code the Legislature intends that up to \$100,000 of funds provided for the Department of Human Services, the Division of Aging and Adult Services in Chapter 1, Laws of Utah 2006, Item 103 not lapse at the close of FY 2007 with \$45,000 to be used for senior center renovations and to assist with vehicle maintenance and replacements within the local area agencies on aging, and \$55,000 to be used for the Senior Transportation Ride Share Pilot Program.*

**Agency Response:** As had been the case with non-lapsing funds in prior years, the Division will send out requests for proposals for senior center renovations and/or vehicle maintenance requests. Senior centers and AAA's will have the opportunity to present their proposal to the Board of Aging and Adult Services. The Board will determine how to award the funding based on objective criteria. In prior years, funds have been used for projects like resolving plumbing/flooding problems, leaking roofs, and to purchase Meals on Wheels delivery vehicles.

**Analyst's Recommendation:** It is the recommendation of the Analyst that this intent language not be included for FY 2008.

**The following is intent language for FY 2008:****1. H.B. 150, Item 91 Non-lapsing Authority for the Executive Directors Office for eREP:**

*Under Section 63-38-8.1 of the Utah Code the Legislature intends that up to \$454,300 of funds provided by Item 103 of House Bill 1, State Agency and Higher Education Base Budget Appropriations (2007 General Session) for the Department of Human Services, the Office of Information Technology in the Executive Director Operations line item for e-REP enhancements not lapse at the close of FY 2008.*

**Agency Response:** The Office of Information Technology has spent \$63,000 General Funds on the eREP programming.

**Analyst's Recommendation:** It is the recommendation of the Analyst that this intent language not be continued for FY 2009.

**2. H.B. 150, Item 92 Non-lapsing Authority for Drug Courts and Drug Boards:**

*Under Section 63-38-8 of the Utah Code the Legislature intends that any remaining amounts of the \$2,917,200 provided by Item 104 of House Bill 1, State Agency and Higher Education Base Budget Appropriations (2007 General Session), and any funding allocated in this item for the Department of Human Services, Drug Courts and Drug Boards line item not lapse at the close of FY 2008.*

**Agency Response:** Any remaining balance at the end of FY 2008 will be non-lapsing and used specifically for the Drug Board/Drug Court program in FY 2009.

**Analyst's Recommendation:** It is the recommendation of the Analyst that this intent language continue for FY 2009.

**3. H.B. 150, Items 93 and 96 Non-lapsing Authority for the Substance Abuse Treatment for Women with Children and a Requirement for a Written Report from the Divisions of Substance Abuse and Mental Health and Child and Family Services:**

*Under Section 63-38-8 of the Utah Code the Legislature intends that any remaining amount of \$30,348,900 provided in Item 105 of House Bill 1, State Agency and Higher Education Base Budget Appropriations (2007 General Session), and funding allocated in this line item for the Department of Human Services, Division of Substance Abuse and Mental Health for State Substance Abuse Services and Local Substance Abuse Services not lapse at the end of FY 2008. It is further the intent of the Legislature that the Division of Substance Abuse and Mental Health in conjunction with the Division of Child and Family Services provide a written report to the Health*

*and Human Services Appropriations Subcommittee by the 2008 General Session on the use of the funds, how many individuals were served, the effectiveness of the treatment services, and the fiscal impact on current funding levels for children in state custody.*

**Agency Response:** This non-lapsing authority would allow the Division to expend any remaining balance on the women's treatment program funded in FY2008.

In addition, the Divisions of Substance Abuse and Mental Health and Child and Family Services have made a number of changes to ensure that the Women's Treatment Program is successful. First, DSAMH has prioritized women involved with the Division of Child and Family Services for admission in the public treatment system. Contracts with all local substance abuse authorities have been revised to reflect this change. Second, contracts specify a host of changes to clinical practice to ensure that services are effectively delivered. Third, DSAMH has revised the Treatment Episode Data Set services to ensure that data necessary to evaluate the women's treatment program is readily available and accurate. Fourth, DSAMH required each local substance abuse authority to identify a Women's Service Coordinator. Finally, DSAMH has conducted a number of trainings focusing on DCFS populations including the keynote presentation at Fall Conference by Dr. Stephanie Covington which focused on gender specific issues.

**Analyst's Recommendation:** It is the recommendation of the Analyst that this intent language continue for FY 2009. The Department of Human Services will provide the written report on this intent language during the 2008 General Session.

#### **4. H.B. 150, Item 94 Requires the Division of Services for People with Disabilities to Prepare a Written Report on the Use of the Non-lapsing Funds:**

*Under Section 62A-5-102 (7) of the Utah Code the Legislature intends that any remaining amount of the \$179,436,200 provided by Item 106 of House Bill 1, State Agency and Higher Education Base Budget Appropriations (2007 General Session) for the Department of Human Services, the Division of Services for People with Disabilities (DSPD), and funding allocated in this item not lapse at the close of fiscal year 2008 to provide services for individuals with disabilities needing emergency services, additional waiver services, who turn 18 years old and leave state custody from the Divisions of Child and Family Services and Juvenile Justice Services, or who are court ordered into DSPD services. It is further the intent of the Legislature that DSPD report to the Office of Legislative Fiscal Analyst on the use of these funds.*

**Agency Response:** During FY-2007 no non-lapsing funds were used. The Division ended the year with a non-lapse total of \$1,874,800. This represents an increase of almost \$575,000 during the year. The Division expects to spend \$874,800 of this non-lapse amount during FY-2008 for the purposes listed in Legislative Intent language from the 2007 General Session.

**Analyst's Recommendation:** It is the recommendation of the Analyst that this intent language be continued for FY 2009. The Department of Human Services will provide a written report on this intent language during the 2008 General Session.

#### **5. H.B. 150, Item 95 Non-lapsing Authority for Office of Recovery Services for eREP:**

*Under Section 63-38-8.1 of the Utah Code the Legislature intends that any remaining amount up to \$37,400 provided by Item 107 of House Bill 1, State Agency and Higher Education Base Budget Appropriations (2007 General Session) to the Department of Human Services, the Office of Recovery Services for e-REP enhancements not lapse at the close of FY 2008.*

**Agency Response:** ORS has a balance of \$8,200 to be expended in FY 2008.

**Analyst's Recommendation:** It is the recommendation of the Analyst that this intent language not continue for FY 2009.

**6. H.B. 150, Item 96 Non-lapsing Authority for the Division of Child and Family Services:**

*Under Section 63-38-8 of the Utah Code the Legislature intends that any remaining amount of the \$150,392,100 provided in House Bill 1, State Agency and Higher Education Base Budget Appropriations (2007 General Session) Item 108, and funding allocated in this item for the Department of Human Services, the Division of Child and Family Services not lapse at the close of FY 2008. It is further the intent of the Legislature that these funds be used for Adoption Assistance and Out of Home Care programs, the purchase of 12 vehicles for the Division of Child and Family Services and the David C. court monitor.*

**Agency Response:** The division is using part of the non-lapsing amount to hire nine caseworkers and three supervisors to meet client needs due to continued growth in the number of children requiring state support. The caseworkers and supervisors will work in the Adoption Assistance and Out of Home Care programs. The ability to manage according to client needs rather than manage based on available funding has allowed the division to affect efficiencies in meeting client needs allowing the saved funds to be carried into the next year. The David C. court monitor is funded in FY 2008 from the non-lapsing amount. The division requests that this intent language be continued for FY 2009.

**Analyst's Recommendation:** It is the recommendation of the Analyst that the non-lapsing authority for Adoption Assistance and Out of Home Care programs be continued for FY 2009.

**7. H.B. 150, Item 96 Grants Permission to the Division of Child and Family Services to Hire 12 Caseworkers:**

*It is the intent of the Legislature that the Adoption Assistance and the Out of Home Care programs use \$762,900 in ongoing General Funds (\$132,200 from Adoption Assistance and \$630,700 from Out-of-Home Care) to hire 12 additional caseworkers for the Division of Child and Family Services.*

**Agency Response:** The division is using the ongoing General Fund to hire 12 additional caseworkers. In conjunction with the 12 hired from non-lapsing funds, six caseworkers and one supervisor will be placed in the Northern Region, ten caseworkers and two supervisors in the Western Region and two caseworkers in the Southwest Region. The addition of 21 caseworkers reduces the average caseload per worker.

**Analyst's Recommendation:** It is the recommendation of the Analyst that this intent language not be included for FY 2009.

**8. H.B. 150, Items 93,94,96,97 Requires a Study of Contract Providers:**

*It is the intent of the Legislature that the Office of the Legislative Fiscal Analyst conduct a study of contract rates of local and private providers and submit a written report with recommendations to be presented to the Health and Human Services Appropriations Subcommittee by the 2008 General Session.*

**Agency Response:** The Legislative Fiscal Analyst's Office conducted a study of contract providers and reported to the Executive Appropriations Committee on October 16, 2007. The Analyst will also report to the Health and Human Services Appropriations Subcommittee during the 2008 General Session.

**Analyst's Recommendation:** It is the recommendation of the Analyst that the current methodology for calculating cost of living adjustments remain the same. In addition, the Analyst also recommends that the provider associations collect the necessary data from contract providers annually and submit the information as part of any requests for increased contract funding.